



Washington Building
Barnabas Business Center
4650 N. Port Washington Road
Milwaukee, WI 53212-1059
Telephone (414) 962-5110
Facsimile (414) 962-8725
Email kmksc@kmksc.com

July 16, 2020

By ECF

Hon. Lewis J. Liman
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Convergen Energy LLC, et al. v. Brooks, et al.*
Case No. 1:20-CV-03746-LJL

Dear Judge Liman:

As directed by the Court's voicemail, I am writing the Court concerning the ECF Notice the parties received yesterday (July 15) around 5:53 p.m. concerning the above action (enclosed). I believe there may have been some confusion as to unrelated filings.

On July 14, 2020, the parties who have appeared jointly filed a proposed Protective Order to govern the exchange of discovery in this action (ECF Nos. 81-82.) The Court granted the parties' request and entered the proposed Order (ECF No. 86). We thank the Court for entering that Order.

On July 13, 2020, non-party Elmerina Brooks filed a Motion to Quash/Motion for Protective Order concerning a third-party subpoena that Plaintiffs served on Ms. Brooks (ECF Nos. 78-80.) That Motion is unrelated to the appearing parties' proposed Protective Order.

However, in the enclosed ECF Notice, the Court both granted the parties' proposed Protective Order *and* terminated non-party Ms. Brooks' Motion to Quash/Motion for Protective Order. We believe this may have been in error, as the Court's Protective Order does not resolve or address Ms. Brooks' motion.

We respectfully ask the Court to rescind its termination of Ms. Brooks' Motion (ECF No. 78). If I am misunderstanding the Court's intent, Ms. Brooks would also appreciate clarification.



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Thank you for your time and consideration. All counsel of record are copied on this letter.

Very truly yours,

KOHNER, MANN & KAILAS, S.C.

Ryan M. Billings/RMB

Encl.

cc: Counsel of Record via ECF

From: [NYSD ECF Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov)
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:20-cv-03746-LJL Convergen Energy LLC et al v. Brooks et al Protective Order
Date: Wednesday, July 15, 2020 4:53:48 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS*** There is no charge for viewing opinions.**

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 7/15/2020 at 5:53 PM EDT and filed on 7/15/2020

Case Name: Convergen Energy LLC et al v. Brooks et al

Case Number: [1:20-cv-03746-LJL](#)

Filer:

Document Number: [86](#)

Docket Text:

PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... Motions terminated: [78] THIRD PARTY MOTION to Quash Third-Party Subpoenas .THIRD PARTY MOTION for Protective Order . filed by Elmerina Brooks. (Signed by Judge Lewis J. Liman on 7/15/2020) (va)

1:20-cv-03746-LJL Notice has been electronically mailed to:

Vincent Filardo, Jr vincent.filardo@us.kwm.com, dominick.vitaliano@us.kwm.com,
elliott.brand@us.kwm.com

Ryan Matthew Billings rbillings@kmksc.com, eleopold@kmksc.com

Dov Byron Gold dgold@seidenlegal.com

Ben LaFrombois blafrombois@vonbriesen.com, sflunker@vonbriesen.com

William Fischer wfischer@vonbriesen.com, ekrings@vonbriesen.com

Michael Todd Stolper mstolper@seidenlegal.com

1:20-cv-03746-LJL Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=7/15/2020] [FileNumber=24287969-0] [6a4ce275cb85fa234468136ab9dda1a42f96a805f50ef916d1446e85f623fbac3b9ab7d3969447061d27e8fd873446b9ee9d81995385f9fdc2613aa6f9b44cf4]]